CCRB INVESTIGATIVE RECOMMENDATION

Investigator:	ľ	Team:	CCRB Case #:		Force	$\overline{\mathbf{V}}$	Discourt.	U.S.
Charis Jones		Squad #4	201911006		Abuse		O.L.	☐ Injury
Incident Date(s)	1	Location of Incident:	1	Pr	ecinct:	18	Mo. SOL	EO SOL
Friday, 10/18/2019 3:48 PM		Boerum Street and Gra	nham Avenue	''	90		18/2021	12/3/2021
Date/Time CV Reported		CV Reported At:	How CV Reported	 -			ived at CCI	
Tue, 12/10/2019 9:00 AM		IAB	Phone				4:07 PM	
		Home Addre						
Complainant/Victim	Type	Home Addre	ess					
Witness(es)		Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. LT Henry Daverin	00000	945645	090 PCT					
2. An Officer								
Witness Officer(s)	Shield No	Tax No	Cmd Name					
1. POM Daniel Manetta	11047	956069	090 PCT					
2. SGT Joseph Lodato	03131	948487	090 PCT					
Officer(s)	Allegation	1			Inve	estiga	tor Recon	nmendation
A.LT Henry Daverin	Abuse: Lie	eutenant Henry Daveri	n stopped § 87(2)(b)					
B.LT Henry Daverin	Abuse: Lie	eutenant Henry Daveri	n stopped § 87(2)(b)					
C.LT Henry Daverin	Abuse: Lie	eutenant Henry Daveri	n frisked § 87(2)(b)					
D.LT Henry Daverin	Force: Lie § 87(2)(b)	utenant Henry Daverir	n used physical force	e agai	nst			
E. An Officer	Abuse: Ar § 87(2)(b)	officer refused to pro	vide his name to § 87	(2)(b)				
F. An Officer	Discourtes	sy: An officer spoke di	scourteously to § 87(2	?)(b)				
G. An Officer	Abuse: Ar	officer threatened to a	arrest ^{§ 87(2)(b)}					
H.LT Henry Daverin	Discourtes to § 87(2)(b)	sy: Lieutenant Henry D	Daverin spoke discou	urteou	isly			
I.LT Henry Daverin	Abuse: Lie	eutenant Henry Daveri with a business card.	n failed to provide§	87(2)(b)				
J.LT Henry Daverin	Abuse: Lie	eutenant Henry Daveri with a business card.		87(2)(b)				
§ 87(4-b), § 87(2)(g)								

Officer(s)	Allegation	Investigator Recommendation
§ 87(4-b), § 87(2)(g)		

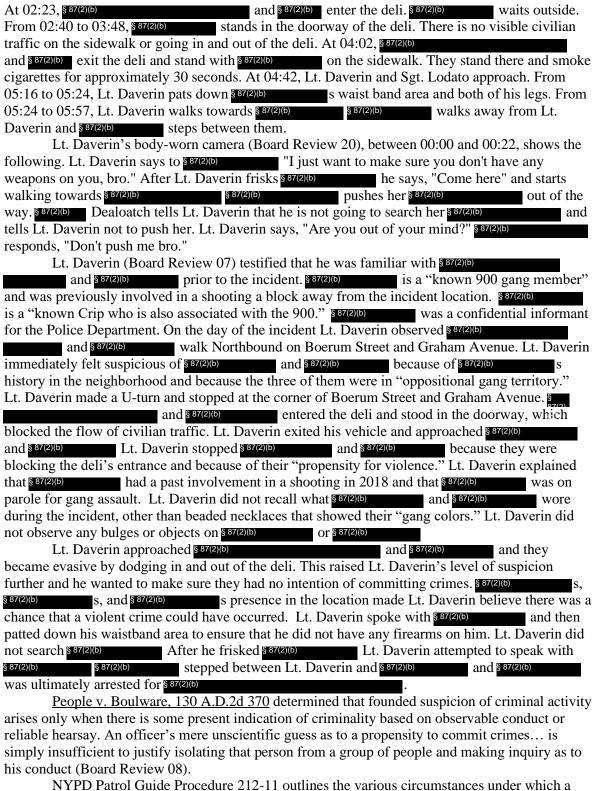
Case Summary

On December 10, 2019, \$87(2)(b)	called IAB and filed this complaint on her own
behalf and on behalf of her brother § 87(2)(b)	her brother's friend, § 87(2)(b)
and her boyfriend § 87(2)(b) generating o	riginal log 19-43990. The CCRB received the log
on December 26, 2019.	
On October 18, 2019, at approximately 3:4	8 p.m., Lieutenant Henry Daverin of the 90 th
Precinct stopped § 87(2)(b) and § 87(2)(b)	at the corner of Boerum Street and Graham
Avenue in Brooklyn (Allegations A and B: Abus	e of Authority, § 87(2)(9)). Lt. Daverin
frisked § 87(2)(b) (Allegation C: Abuse	of Authority, \$87(2)(9). Lt. Daverin put
against the wall of a deli (Alle	gation D: Force, §87(2)(9)
allegedly asked for an unidentified officer's name	
(Allegation E: Abuse of Authority, §87(2)(9)	. An unidentified officer allegedly told
to "get the fuck back or he would go too	o" (Allegation F: Discourtesy, § 87(2)(9)
(Allegation G: Abuse of Authority, § 87(2)(9)	. ————————————————————————————————————
Sergeant Joseph Lodato, also of the 90 th P.	recinct, was present. Lt. Daverin and Sgt. Lodato
transported § 87(2)(b) back to the station	house. Lt. Daverin spoke discourteously to
during the car ride (Allegation	H: Discourtesy, § 87(2)(9)
and §87(2)(b) did not receive	e business cards as a result of this incident
(Allegations I and J: Abuse of Authority, §87(2)(9)).
§ 87(4-b), § 87(2)(g)	
§ 87(2)(b) was arrested and charg	ed with § 87(2)(b)
	(Board
Review 01).	

The investigation obtained Lt. Daverin's and Sgt. Lodato's body-worn camera (BWC) footage and surveillance footage from the Express Deli and Tobacco store located at the corner of Boerum Street and Graham Avenue. The recordings captured this incident in its entirety (Board Review 02) (Board Review 03).

Findings and Recommendations

Allegation (A) Abuse of Authority: Lieutenant Henry Daverin stopped §87(2)(b)
Allegation (B) Abuse of Authority: Lieutenant Henry Daverin stopped 887(2)(b)
Allegation (C) Abuse of Authority: Lieutenant Henry Daverin frisked 387(2)(b)
(Board Review 04) testified that she, \$87(2)(b)
and her friend \$87(2)(b) (last name unknown) went to a deli located at the corner of
Boerum Street and Graham Avenue in Brooklyn. § 87(2)(b) and § 87(2)(b) went inside to
purchase cigarettes. \$87(2)(b) and waited outside. \$87(2)(b) and
exited the store and an unmarked vehicle made a U-turn and stopped in front of the deli. Lt.
Daverin exited the vehicle and walked towards § 87(2)(b) and
said, "Before you ask me any questions or anything, you got to turn your
body cameras on. That's the only way you can talk to me." Lt. Daverin told \$87(2)(b) to move
out of the way, walked around her, and approached \$87(2)(b) Lt. Daverin told
to lift his arms and §87(2)(b) complied. Lt. Daverin searched §87(2)(b)
did not provide any additional details about the search.
provided a phone statement to the investigation (Board Review 05). Lt.
Daverin did not frisk or search § 87(2)(b) Lt. Daverin frisked and searched § 87(2)(b)
however, § 87(2)(b) also did not provide details of the search.
The investigation was unable to locate §87(2)(b) (Board Review 06).
Surveillance footage from the deli captured this portion of the incident (Board Review 03).



member of the service may stop a civilian. A stop is any encounter between a civilian and a uniformed member of the service in which a reasonable person would not feel free to disregard the officer and walk away. A stop of a person may be conducted only when a police officer has an individualized reasonable suspicion that the person stopped has committed, is committing, or is

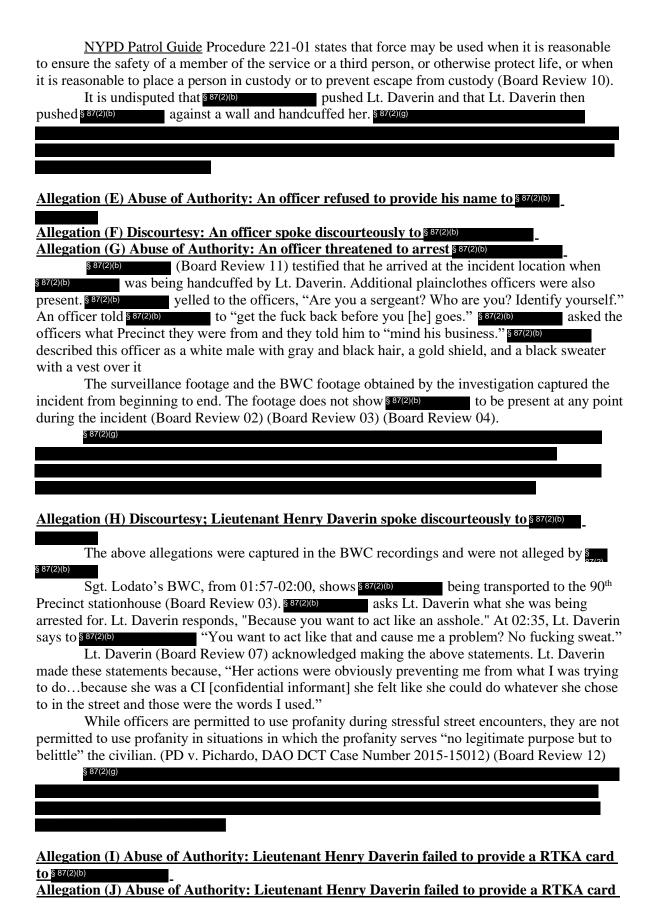
be conducted to discover evidence or the proceeds or instrumentalities of a crime (Board Review 09). Lt. Daverin frisked § 87(2)(b) because he had previously been involved in a shooting and was in a neighborhood of oppositional gang territory, and Lt. Daverin wanted to make sure did not have any weapons. Lt. Daverin did not observe any bulges on §87(2)(b) and he did not indicate any specific threat to his safety. Lt. Daverin did not express any reason to was armed beyond the aforementioned previous shooting and because was in a neighborhood that Lt. Daverin considered to be oppositional territory. § 87(2)(g) Allegation (D) Force: Lieutenant Henry Daverin used physical force against § 87(2)(b) (Board Review 04) stated that after Lt. Daverin searched § 87(2)(b) walked towards the crosswalk. Lt. Daverin approached § 87(2)(b) and pushed her left shoulder towards the street. Lt. Daverin then grabbed the front left side of s robe, pulled her back onto the sidewalk, and slammed her face-first against the side of the deli. Lt. Daverin handcuffed \$87(2)(b) and transported her to the 90th Precinct stationhouse. (Board Review 05), who provided a phone statement, stated that pushed her arm into Lt. Daverin as she walked towards the crosswalk. Surveillance footage from the deli captured this portion of the incident (Board Review 03). From 05:24 to 05:57, Lt. Daverin walks towards §87(2)(b) walks away from Lt. Daverin and \$87(2)(b) steps between them. Lt. Daverin attempts to walk around and 887(2)(b) blocks him from doing so. Lt. Daverin grabs \$87(2)(b) arm, and puts her against the wall of the deli. The footage does not capture Lt. Daverin handcuffing § 87(2)(b) At 05:50, Lt. Daverin walks \$87(2)(b) who is handcuffed, towards his vehicle. Sgt. Lodato's BWC is generally consistent with the surveillance footage and shows the physical interaction between Lt. Daverin and \$\frac{87(2)(b)}{2}\$ in more detail (Board Review 02). and § 87(2)(b) Between 00:20 and 00:28, Lt. Daverin reaches for \$87(2)(b) stands between the two of them and starts to walk away with \$87(2)(b) Daverin follows them. §87(2)(b) pushes Lt. Daverin's right arm with her left arm. Lt. Daverin (Board Review 07) testified that he attempted to speak with \$87(2)(6) stepped between Lt. Daverin and § 87(2)(b)

Lt. Daverin tried to go around § put her forearm into the right side of Lt. Daverin's body. Lt. Daverin then put \$37(2)(b) against the wall of the deli and handcuffed her because she obstructed governmental administration by blocking his path. Lt. Daverin did not use any other force against aside from placing her against the wall and putting her into handcuffs. At that point, civilians gathered around and § 37(2)(b) screamed profanities. Lt. Daverin and Sgt. Lodato to the 90th Precinct stationhouse. transported § 87(2)(b)

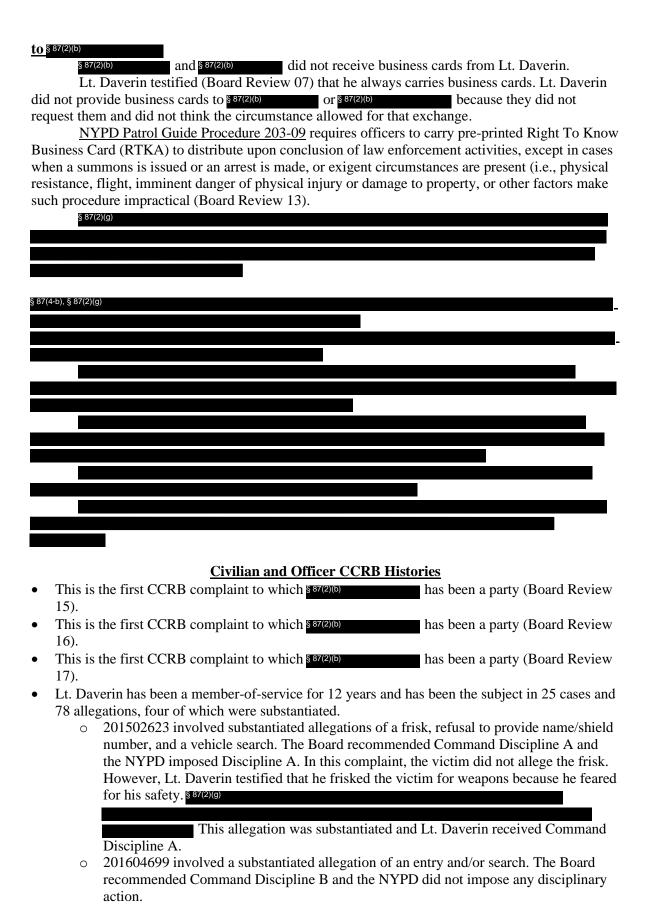
about to commit a felony or Penal Law misdemeanor. This procedure also explains that a frisk is authorized when an officer reasonably suspects the person is armed and dangerous. A frisk may not

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Mediation, Civil and Criminal Histories

§ 87(2)(b)	vas unsuitable for med	ilation.	
10)			(Board Re
18) § 87(2)(b)			
		nim FOIL request was sent to the will be added to the case file upo	
juad No.:	4		
vestigator:	Charis Jones Signature	Inv. Charis Jones Print Title & Name	06/08/2020 Date
quad Leader:	Raquel Velasquez Signature	IM Raquel Velasquez Print Title & Name	06/08/2020 Date
eviewer:	Signature	Print Title & Name	 Date